

**DRAFT**

Page 1 of 30  
Permit No. WA0020320



Issuance Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_  
Expiration Date: \_\_\_\_\_

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
WASTE DISCHARGE PERMIT NO. WA0020320**

State of Washington  
DEPARTMENT OF ECOLOGY  
Olympia, Washington 98504-7775

In compliance with the provisions of  
The State of Washington Water Pollution Control Law  
Chapter 90.48 Revised Code of Washington  
and  
The Federal Water Pollution Control Act  
(The Clean Water Act)  
Title 33 United States Code, Section 1251 et seq.

**City of Kalama  
P.O. Box 1007  
Kalama, WA 98625**

Plant Location:

206 Hendrickson Drive  
Kalama, WA 98625

Receiving Water:

The Columbia River

Latitude: 46.00575 N

Longitude: -122.84598 W

Water Body I.D. No.:

New No. 1220169456238

Discharge Location:

Latitude: 46.00456 N

Longitude: -122.84817 W

Plant Type:

Activated sludge (new and expanded with anoxic selectors) with UV disinfection

is authorized to discharge in accordance with the special and general conditions that follow.

---

Garin Schrieve, P.E.  
Southwest Regional Manager  
Water Quality Program  
Washington State Department of Ecology

**TABLE OF CONTENTS**

SUMMARY OF PERMIT REPORT SUBMITTALS.....	4
--	---

**SPECIAL CONDITIONS**

S1.	DISCHARGE LIMITS .....	5
A.	Effluent Limits	
B.	Mixing Zone Descriptions	
S2.	MONITORING REQUIREMENTS .....	6
A.	Monitoring Schedule	
B.	Sampling and Analytical Procedures	
C.	Flow Measurement	
D.	Laboratory Accreditation	
S3.	REPORTING AND RECORDKEEPING REQUIREMENTS .....	8
A.	Reporting	
B.	Records Retention	
C.	Recording of Results	
D.	Additional Monitoring by the Permittee	
E.	Reporting Permit Violations	
F.	Other Reporting	
G.	Maintaining a Copy of This Permit	
S4.	FACILITY LOADING .....	12
A.	Design Criteria	
B.	Plans for Maintaining Adequate Capacity	
C.	Duty to Mitigate	
D.	Notification of New or Altered Sources	
E.	Infiltration and Inflow Evaluation	
F.	Wasteload Assessment	
S5.	OPERATION AND MAINTENANCE .....	14
A.	Certified Operator	
B.	O & M Program	
C.	Short-term Reduction	
D.	Electrical Power Failure	
E.	Prevent Connection of Inflow	
F.	Bypass Procedures	
G.	O&M Manual	
S6.	PRETREATMENT .....	17
A.	General Requirements	
B.	Wastewater Discharge Permit Required	
C.	Identification and Reporting of Existing, New, and Proposed Industrial Users	
D.	List of Industrial Users	
E.	Duty to Enforce Discharge Prohibitions	
S7.	RESIDUAL SOLIDS .....	19
S8.	ACUTE TOXICITY .....	19

A.	Effluent Acute WET testing	
B.	Sampling and Reporting Requirements	
S9.	CHRONIC TOXICITY .....	21
A.	Effluent Chronic WET Testing	
B.	Sampling and Reporting Requirements	
S10.	OUTFALL EVALUATION .....	23

**GENERAL CONDITIONS**

G1.	SIGNATORY REQUIREMENTS.....	25
G2.	RIGHT OF INSPECTION AND ENTRY .....	25
G3.	PERMIT ACTIONS.....	26
G4.	REPORTING PLANNED CHANGES.....	27
G5.	PLAN REVIEW REQUIRED .....	27
G6.	COMPLIANCE WITH OTHER LAWS AND STATUTES .....	27
G7.	DUTY TO REAPPLY .....	28
G8.	TRANSFER OF THIS PERMIT .....	28
G9.	REDUCED PRODUCTION FOR COMPLIANCE .....	28
G10.	REMOVED SUBSTANCES .....	28
G11.	DUTY TO PROVIDE INFORMATION.....	29
G12.	OTHER REQUIREMENTS OF 40 CFR.....	29
G13.	ADDITIONAL MONITORING .....	29
G14.	PAYMENT OF FEES.....	29
G15.	PENALTIES FOR VIOLATING PERMIT CONDITIONS.....	29
G16.	UPSET .....	29
G17.	PROPERTY RIGHTS.....	30
G18.	DUTY TO COMPLY .....	30
G19.	TOXIC POLLUTANTS.....	30
G20.	PENALTIES FOR TAMPERING .....	30
G21.	REPORTING ANTICIPATED NON-COMPLIANCE.....	30
G22.	REPORTING OTHER INFORMATION .....	30
G23.	COMPLIANCE SCHEDULES .....	30

**SUMMARY OF PERMIT REPORT SUBMITTALS**

Refer to the Special and General Conditions of this permit for additional submittal requirements.

<b>Permit Section</b>	<b>Submittal</b>	<b>Frequency</b>	<b>First Submittal Date</b>
S3.	Discharge Monitoring Report	Monthly	<i>Reserved for Issuance</i>
S3.E	Reporting Permit Violations	As necessary	
S4.B.	Plans for Maintaining Adequate Capacity	As necessary	
S4.D.	Notification of New or Altered Sources	As necessary	
S4.E.	Infiltration and Inflow Evaluation	Annually	June 15, 2010
S4.F.	Waste load Assessment	Annually	June 15, 2010
S5.G.	O&M Manual Update/Review Letter	Annually	July 15, 2010
S6.D.	List of Industrial Users	Annually	September 15, 2010
S8.A.	Acute Toxicity WET Testing Summary Report	1/permit	Six months after Acute Toxicity Test Data
S9.A	Chronic Toxicity WET Testing Summary Report	1/permit	Six months after Chronic Toxicity Test Data
S10.	Outfall Evaluation	1/permit	November 15, 2011
S10.	Description of Outfall Repairs	As necessary	
G1.	Notice of Change in Authorization	As necessary	
G4.	Reporting Planned Changes	As necessary	
G5.	Engineering Report for Construction or Modification Activities	As necessary	
G7.	Application for Permit Renewal	1/permit	<i>Reserved for Issuance</i>
G21	Reporting Anticipated Non-compliance	As necessary	
G22	Reporting Other Information	As necessary	

**SPECIAL CONDITIONS****S1. DISCHARGE LIMITS****A. Effluent Limits**

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on the effective date of this permit and lasting through the expiration date the Permittee is authorized to discharge municipal wastewater at the permitted location subject to the following limits:

EFFLUENT LIMITS <sup>a</sup> : OUTFALL # 001		
Parameter	Average Monthly	Average Weekly
Biochemical Oxygen Demand (5 day)	30 mg/L, 157 lbs/day 85% removal of influent BOD	45 mg/L, 235 lbs/day
Total Suspended Solids	30 mg/L, 149 lbs/day 85% removal of influent TSS	45 mg/L, 223 lbs/day
Fecal Coliform Bacteria	200/100 ml	400/100 ml
pH <sup>b</sup>	Daily minimum is equal to or greater than 6.0 and the daily maximum is less than or equal to 9.0	
<sup>a</sup> The average monthly and weekly effluent limitations are based on the arithmetic mean of the samples taken with the exception of fecal coliform, which is based on the geometric mean.		
<sup>b</sup> The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For other units of measurement, the daily discharge is the average measurement of the pollutant over the day.		

**B. Mixing Zone Descriptions**

The maximum boundaries of the mixing zones are defined as follows:

The maximum chronic mixing zone boundary is limited to 325 feet downstream, 100 feet upstream and 600 feet wide and use no more than 20,181 cfs.

The maximum acute mixing zone boundary is limited to 32.5 feet downstream, 10 feet upstream, 60 feet wide and use no more than 2,018 cfs.

**S2. MONITORING REQUIREMENTS****A. Monitoring Schedule**

The Permittee shall monitor in accordance with the following schedule:

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Wastewater Influent	BOD <sub>5</sub>	mg/L, lbs/day	Headworks sampling station	2/week	24-hour composite
Wastewater Influent	TSS	mg/L, lbs/day	Headworks sampling station	2/week	24-hour composite
Wastewater Influent	Flow <sup>b</sup>	MGD	Parshall flume	Continuous <sup>a</sup>	On-line recording
Wastewater Effluent	Flow <sup>b</sup>	MGD	Parshall flume	Continuous <sup>a</sup>	On-line recording
Wastewater Effluent	BOD <sub>5</sub>	mg/L	Final Effluent	2/week	24-hour composite
		lbs/day	Final Effluent	2/week	24-hour composite
		% removal	Final Effluent	2/week	Calculation
Wastewater Effluent	TSS	mg/L	Final Effluent	2/week	24-hour composite
		lbs/day	Final Effluent	2/week	24-hour composite
		% removal	Final Effluent	2/week	Calculation
Wastewater Effluent	Fecal coliform	#/100 ml	Final Effluent	2/week	Grab
Wastewater Effluent	pH	Standard Units	Final Effluent	Daily	Grab
Acute Toxicity Testing			Final effluent	As specified in section S8	
Chronic Toxicity Testing			Final effluent	As specified in section S9	
<b>Reapplication Monitoring</b>					
Reapplication Monitoring	Oil and Grease	mg/L	Final Effluent	1/year	Grab

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Reapplication Monitoring	Total Dissolved Solids	mg/L	Final Effluent	1/year	24-hour composite
Reapplication Monitoring	Total Hardness	mg/L	Final Effluent	1/year	24-hour composite
Reapplication Monitoring	Cyanide	µg/L	Final Effluent	1/year	Grab
Reapplication Monitoring	Total phenols	µg/L	Final Effluent	1/year	Grab
Reapplication Monitoring	Priority Pollutants (PP) – metals	µg/L	Final Effluent	1/year	Grab or 24-hour composite <sup>5</sup>
Reapplication Monitoring	PP – Volatile Organic Compounds	µg/L	Final Effluent	1/year	Grab
Reapplication Monitoring	PP – Acid-extractable compounds	µg/L	Final Effluent	1/year	Grab or 24-hour composite <sup>5</sup>
Reapplication Monitoring	PP – Base-neutral compounds	µg/L	Final Effluent	1/year	Grab or 24-hour composite <sup>5</sup>
Reapplication Monitoring	Whole Effluent Toxicity	See S8 and S9			24-hour composite
<sup>a</sup> Continuous means uninterrupted except for brief lengths of time for calibration, for power failure, or for unanticipated equipment repair or maintenance. Sampling shall be taken twice daily when continuous monitoring is not possible.					
<sup>b</sup> Flow shall be monitored with a Parshall Flume in both the influent and the effluent.					

**B. Sampling and Analytical Procedures**

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 Code of Federal Regulations (CFR) Part 136 or to the latest revision of *Standard Methods for the Examination of*

*Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Ecology).

C. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

D. Laboratory Accreditation

All monitoring data required by Ecology shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 Washington Administrative Code (WAC). Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. Ecology exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

**S3. REPORTING AND RECORDKEEPING REQUIREMENTS**

The Permittee must monitor and report in accordance with the following conditions. Falsification of information submitted to Ecology is a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. The Permittee must:

1. Submit monitoring results each month.
2. Summarize, report, and submit monitoring data obtained during each monitoring period on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by Ecology.
3. Submit DMR forms monthly whether or not the facility was discharging. If the facility did not discharge during a given monitoring period, submit the form as required with the words "NO DISCHARGE" entered in place of the monitoring results.
4. Ensure that DMR forms are postmarked or received by Ecology no later than the 15<sup>th</sup> day of the month following the completed monitoring period, unless otherwise specified in this permit.
5. Send report(s) to Ecology at:



Water Quality Permit Coordinator  
Department of Ecology  
Southwest Regional Office  
P.O. Box 47775  
Olympia, WA 98504-7775

All laboratory reports providing data for organic and metal parameters must include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected. Analytical results from samples sent to a contract laboratory must include information on the chain of custody, the analytical method, QA/QC results, and documentation of accreditation for the parameter.

B. Records Retention

The Permittee must retain records of all monitoring information for a minimum of three years. Such information must include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. The Permittee must extend this period of retention during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by Ecology.

C. Recording of Results

For each measurement or sample taken, the Permittee must record the following information:

1. The date, exact place, method, and time of sampling or measurement.
2. The individual who performed the sampling or measurement.
3. The dates the analyses were performed.
4. The individual who performed the analyses.
5. The analytical techniques or methods used.
6. The results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by Condition S2 of this permit, then the Permittee must include the results of such monitoring in the calculation and reporting of the data submitted in the Permittee's DMR.

The Permittee must take the following actions when it violates or is unable to comply with any permit condition:

- ### 1. Immediate Reporting

Southwest Regional Office 360-407-6300

Southwest Regional Office 360-407-6300

## 2. Twenty-Four (24)-Hour Reporting

- a. Any noncompliance that may endanger health or the environment, unless previously reported under subpart 1, above.
- b. Any unanticipated **bypass** that exceeds any effluent limitation in the permit (See Part S4.B., “Bypass Procedures”).
- c. Any **upset** that exceeds any effluent limitation in the permit (See G.15, “Upset”).
- d. Any violation of a maximum daily or instantaneous maximum discharge limitation for any of the pollutants in Section S1.A of this permit.
- e. Any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limitation in the permit.

3. Report Within Five Days

The Permittee must also provide a written submission within five days of the time that the Permittee becomes aware of any event required to be reported under subparts 1 or 2, above. The written submission must contain:

- a. A description of the noncompliance and its cause.
- b. The period of noncompliance, including exact dates and times.
- c. The estimated time noncompliance is expected to continue if it has not been corrected.
- d. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- e. If the noncompliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.

4. Waiver of Written Reports

Ecology may waive the written report required in subpart 3, above, on a case-by-case basis upon request if a timely oral report has been received.

5. All Other Permit Violation Reporting

The Permittee must report all permit violations, which do not require immediate or within 24 hours reporting, when it submits monitoring reports for S3.A ("Reporting"). The reports must contain the information listed in paragraph E.3, above. Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

6. Report Submittal

The Permittee must submit reports to the address listed in S3.

F. Other Reporting

The Permittee must report a spill of oil or hazardous materials in accordance with the requirements of RCW 90.56.280 and chapter 173-303-145. You can obtain further instructions at the following website:

<http://www.ecy.wa.gov/programs/spills/other/reportaspill.htm>.

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to Ecology, it must submit such facts or information promptly.

The Permittee must submit a new application or supplement at least 180 days prior to commencement of discharges, resulting from the activities listed below, which may result in permit violations. These activities include: any facility expansions, production

increases, or other planned changes, such as process modifications, in the permitted facility.

G. Maintaining a Copy of This Permit

The Permittee must keep a copy of this permit at the facility and make it available upon request to Ecology inspectors.

**S4. FACILITY LOADING**

A. Design Criteria

Flows or waste loadings of the following design criteria for the permitted treatment facility shall not be exceeded:

Monthly average flow (max. month)	0.8 MGD
Peak day flow	1.72 MGD
BOD <sub>5</sub> influent loading (max. month)	1046 lbs/day
TSS influent loading (max. month)	992 lbs/day

B. Plans for Maintaining Adequate Capacity

The Permittee shall submit to Ecology a plan and a schedule for continuing to maintain capacity when:

1. The actual flow or waste load reaches 85 percent of any one of the design criteria in S4.A for three consecutive months; or
2. When the projected increase would reach design capacity within five years, whichever occurs first. If such a plan is required, it shall contain a plan and schedule for continuing to maintain capacity. The capacity as outlined in this plan must be sufficient to achieve the effluent limitations and other conditions of this permit. This plan shall address any of the following actions or any others necessary to meet the objective of maintaining capacity.
3. Analysis of the present design including the introduction of any process modifications that would establish the ability of the existing facility to achieve the effluent limits and other requirements of this permit at specific levels in excess of the existing design criteria specified in paragraph A above.
4. Reduction or elimination of excessive infiltration and inflow of uncontaminated ground and surface water into the sewer system.
5. Limitation on future sewer extensions or connections or additional waste loads.
6. Modification or expansion of facilities necessary to accommodate increased flow or waste load.
7. Reduction of industrial or commercial flows or waste loads to allow for increasing sanitary flow or waste load.

Engineering documents associated with the plan must meet the requirements of WAC 173-240-060, "Engineering Report," and be approved by Ecology prior to any construction. The plan shall specify any contracts, ordinances, methods for financing, or other arrangements necessary to achieve this objective.

C. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment

D. Notification of New or Altered Sources

The Permittee shall submit written notice to Ecology whenever any new discharge or a substantial change in volume or character of an existing discharge into the Publicly Owned Treatment Works (POTW) is proposed which: (1) would interfere with the operation of, or exceed the design capacity of, any portion of the POTW; (2) is not part of an approved general sewer plan or approved plans and specifications; or (3) would be subject to pretreatment standards under 40 CFR Part 403 and Section 307(b) of the Clean Water Act. This notice shall include an evaluation of the POTW's ability to adequately transport and treat the added flow and/or waste load, the quality and volume of effluent to be discharged to the POTW, and the anticipated impact on the Permittee's effluent [40 CFR 122.42(b)].

E. Infiltration and Inflow Evaluation

1. The Permittee shall conduct an infiltration and inflow evaluation. Refer to the U.S. Environmental Protection Agency (EPA) publication, *I/I Analysis and Project Certification*, available as Publication No. 97-03 at: Publications Office, Department of Ecology, P.O. Box 47600, Olympia, Washington 98504-7600. Plant monitoring records may be used to assess measurable infiltration and inflow.
2. A report shall be prepared which summarizes any measurable infiltration and inflow. If infiltration and inflow have increased by more than 15 percent from that found in the first report based on equivalent rainfall, the report shall contain a plan and a schedule for: (1) locating the sources of infiltration and inflow; and (2) correcting the problem.
3. The I/I report shall be submitted by **June 15, 2010**, and **annually** thereafter.

F. Waste load Assessment

The Permittee shall conduct an assessment of their flow and waste load and submit a report to Ecology by **June 15, 2010**, and **annually** thereafter. The report shall contain the following: an indication of compliance or noncompliance with the permit effluent limitations; a comparison between the existing and design monthly average dry weather and wet weather flows, peak flows, BOD, and total suspended solids loadings; and (except for the first report) the percentage increase in these parameters since the last annual report. The report shall also state the present and design population or population equivalent, projected population growth rate, and the estimated date upon which the

design capacity is projected to be reached, according to the most restrictive of the parameters above. The interval for review and reporting may be modified if Ecology determines that a different frequency is sufficient.

## **S5. OPERATION AND MAINTENANCE**

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

### **A. Certified Operator**

An operator certified for at least a Class II plant by the state of Washington shall be in responsible charge of the day-to-day operation of the wastewater treatment plant. An operator certified for at least a Class I plant shall be in charge during all regularly scheduled shifts.

### **B. O & M Program**

The Permittee shall institute an adequate Operation and Maintenance (O&M) program for the entire sewage system. Maintenance records shall be maintained on all major electrical and mechanical components of the treatment plant, as well as the sewage system and pumping stations. Such records shall clearly specify the frequency and type of maintenance recommended by the manufacturer and shall show the frequency and type of maintenance performed. These maintenance records shall be available for inspection at all times. Requirement for the O&M Manual are found in S5.G.

### **C. Short-term Reduction**

If a Permittee contemplates a reduction in the level of treatment that would cause a violation of permit discharge limitations on a short-term basis for any reason, and such reduction cannot be avoided, the Permittee shall give written notification to Ecology, if possible, 30 days prior to such activities, detailing the reasons for, length of time of, and the potential effects of the reduced level of treatment. This notification does not relieve the Permittee of its obligations under this permit.

### **D. Electrical Power Failure**

The Permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated wastes or wastes not treated in accordance with the requirements of this permit during electrical power failure at the treatment plant and/or sewage lift stations either by means of alternate power sources, standby generator, or retention of inadequately treated wastes.

The Permittee shall maintain Reliability Class II (EPA 430-99-74-001) at the wastewater treatment plant, which requires a backup power source sufficient to operate all vital components and critical lighting and ventilation during peak wastewater flow conditions, except vital components used to support the secondary processes (i.e., mechanical

aerators or aeration basin air compressors) need not be operable to full levels of treatment, but shall be sufficient to maintain the biota.

E. Prevent Connection of Inflow

The Permittee shall strictly enforce their sewer ordinances and not allow the connection of inflow (roof drains, foundation drains, etc.) to the sanitary sewer system.

F. Bypass Procedures

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and Ecology may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable.

1. Bypass for essential maintenance without the potential to cause violation of permit limits or conditions.

Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by Ecology prior to the bypass. The Permittee shall submit prior notice, if possible at least 10 days before the date of the bypass.

2. Bypass which is unavoidable, unanticipated and results in noncompliance of this permit.

This bypass is permitted only if:

- a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
- b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.
- c. Ecology is properly notified of the bypass as required in condition S3E of this permit.

3. Bypass which is anticipated and has the potential to result in noncompliance of this permit.

The Permittee shall notify Ecology at least 30 days before the planned date of bypass. The notice shall contain: (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with State Environmental Policy Act (SEPA); (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

Ecology will consider the following prior to issuing an administrative order for this type bypass:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, Ecology will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by Ecology under Revised Code of Washington (RCW) 90.48.120.

G. O&M Manual

The approved Operations and Maintenance (O&M) Manual shall be kept available at the treatment plant and all operators shall follow the instructions and procedures of this Manual.

The O&M Manual shall be reviewed by the Permittee at least annually and the Permittee shall confirm this review by letter and/or a manual update to Ecology by **July 15, 2010**,



and **annually** thereafter. Substantial changes or updates to the O&M Manual shall be submitted to Ecology whenever they are incorporated into the Manual.

The O&M Manual shall include:

1. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure.
2. Wastewater system maintenance procedures that contribute to the generation of process wastewater
3. Any directions to maintenance staff when cleaning, or maintaining other equipment or performing other tasks which are necessary to protect the operation of the wastewater system (e.g. defining maximum allowable discharge rate for draining a tank, blocking all floor drains before beginning the overhaul of a stationary engine.)
4. The treatment plant process control monitoring schedule.

Substantial changes or updates to the O&M Manual shall be submitted to Ecology whenever they are incorporated into the manual.

## **S6. PRETREATMENT**

### **A. General Requirements**

The Permittee shall work with Ecology to ensure that all commercial and industrial users of the publicly owned treatment works (POTW) are in compliance with the pretreatment regulations promulgated in 40 CFR Part 403 and any additional regulations that may be promulgated under Section 307(b) (pretreatment) and 308 (reporting) of the Federal Clean Water Act.

### **B. Wastewater Discharge Permit Required**

The Permittee shall not allow significant industrial users (SIUs) to discharge wastewater to the Permittee's sewerage system until such user has received a wastewater discharge permit from Ecology in accordance with Chapter 90.48 RCW and Chapter 173-216 WAC, as amended.

### **C. Identification and Reporting of Existing, New, and Proposed Industrial Users**

1. The Permittee shall take continuous, routine measures to identify all existing, new, and proposed SIUs and potential significant industrial users (PSIUs) discharging or proposing to discharge to the Permittee's sewerage system (see Appendix B of Fact Sheet for definitions).
2. Within 30 days of becoming aware of an unpermitted existing, new, or proposed industrial user who may be an SIU, the Permittee shall notify such user by registered mail that, if classified as an SIU, they shall be required to apply to Ecology and obtain a State Waste Discharge Permit. A copy of this notification letter shall also be sent to Ecology within this same 30-day period.

3. The Permittee shall also notify all PSIUs, as they are identified, that if their classification should change to an SIU, they shall be required to apply to Ecology for a State Waste Discharge Permit within 30 days of such change.

D. List of Industrial Users

The Permittee shall submit to Ecology a list summarizing all existing and proposed SIUs and PSIUs. This list must be received by Ecology by **September 15, 2010**, and is due **annually** thereafter.

E. Duty to Enforce Discharge Prohibitions

1. In accordance with 40 CFR 403.5(a), the Permittee shall not authorize or knowingly allow the discharge of any pollutants into its POTW which cause pass through or interference, or which otherwise violates general or specific discharge prohibitions contained in 40 CFR Part 403.5 or WAC-173-216-060.
2. The Permittee shall not authorize or knowingly allow the introduction of any of the following into their treatment works:
  - a. Pollutants which create a fire or explosion hazard in the POTW (including, but not limited to waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21).
  - b. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, or greater than 11.0 standard units, unless the works are specifically designed to accommodate such discharges.
  - c. Solid or viscous pollutants in amounts that could cause obstruction to the flow in sewers or otherwise interfere with the operation of the POTW.
  - d. Any pollutant, including oxygen demanding pollutants, (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
  - e. Petroleum oil, nonbiodegradable cutting oil, or products of mineral origin in amounts that will cause interference or pass through.
  - f. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity which may cause acute worker health and safety problems.
  - g. Heat in amounts that will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities such that the temperature at the POTW headworks exceeds 40°C (104°F) unless Ecology, upon request of the Permittee, approves, in writing, alternate temperature limits.

- h. Any trucked or hauled pollutants, except at discharge points designated by the Permittee.
  - i. Wastewaters prohibited to be discharged to the POTW by the Dangerous Waste Regulations (Chapter 173-303 WAC), unless authorized under the Domestic Sewage Exclusion (WAC 173-303-071).
- 3. All of the following are prohibited from discharge to the POTW unless approved in writing by Ecology under extraordinary circumstances (such as a lack of direct discharge alternatives due to combined sewer service or the need to augment sewage flows due to septic conditions):
  - a. Noncontact cooling water in significant volumes.
  - b. Stormwater, and other direct inflow sources.
  - c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment, or would not be afforded a significant degree of treatment by the system.
- 4. The Permittee shall notify Ecology if any industrial user violates the prohibitions listed in this section.

**S7. RESIDUAL SOLIDS**

Residual solids include screenings, grit, scum, primary sludge, waste activated sludge, and other solid waste. The Permittee shall store and handle all residual solids in such a manner so as to prevent their entry into state ground or surface waters. The Permittee shall not discharge leachate from residual solids to state surface or ground waters. The Permittee shall comply with WAC 173-308 and any associated order for handling biosolids.

**S8. ACUTE TOXICITY****A. Effluent Acute WET testing**

The Permittee shall conduct acute toxicity testing on the final effluent to determine the presence and amount of acute (lethal) toxicity. The two acute toxicity tests listed below shall be conducted on each sample taken for effluent evaluation.

Effluent testing for acute toxicity shall be conducted **twice in one year**. One test shall take place in the winter and one test in the summer. Acute toxicity testing shall follow protocols, monitoring requirements, and quality assurance/quality control procedures specified in this section. A dilution series consisting of a minimum of five concentrations and a control shall be used to estimate the concentration lethal to 50 percent of the organisms (LC<sub>50</sub>). The percent survival in 100 percent effluent shall also be reported.

A written report presenting acute toxicity data shall be submitted to Ecology and a summary report is due within six months of the above acute toxicity data. Acute toxicity tests shall be conducted with the following species and protocols:

1. Fathead minnow, *Pimephales promelas* (96 hour static-renewal test, method: EPA/600/4-90/027F).
2. Daphnid, *Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna* (48-hour static test, method: EPA/600/4-90/027F). The Permittee shall choose one of the three species and use it consistently throughout effluent characterization.

The Acute Critical Effluent Concentration (ACEC) means the maximum concentration of effluent during critical conditions at the boundary of the zone of acute criteria exceedance assigned pursuant to WAC 173-201A-100. The zone of acute criteria exceedance is authorized in Section S1 of this permit. The ACEC equals 4.4 percent effluent.

The Permittee may be required to conduct further testing if any acute toxicity test determines a statistical significant difference in survival between the control and the ACEC using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in survival between the control and the ACEC is less than 10 percent, the hypothesis test shall be conducted at the 0.01 level of significance.

If toxicity occurs in samples with greater than 50 percent effluent during the additional compliance monitoring, the Permittee shall submit a Toxicity Identification/Reduction Evaluation (TI/RE) plan to Ecology. The TI/RE plan submittal shall be within 60 days after the final sample date for the compliance monitoring test. The TI/RE plan shall be based on WAC 173-205-100(2) and shall be implemented in accordance with WAC 173-205-100(3).

**B. Sampling and Reporting Requirements**

1. All reports for effluent WET testing or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into Ecology's database, then the Permittee shall send the disk to Ecology along with the test report, bench sheets, and reference toxicant results.
2. Testing shall be conducted on 24-hour composite effluent samples. Composite samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. Grab samples must be shipped on ice to the lab immediately upon collection. If a grab sample is received at the testing lab within one hour after collection, it must have a temperature below 20°C at receipt. If a grab sample is received at the testing lab within four hours after collection, it must be below 12°C at receipt. All other samples must be below 8°C at receipt. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended. The lab shall store all samples at 4°C in the dark from receipt until completion of the test.

3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A and the Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by Ecology, testing shall be repeated with freshly collected effluent.
5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.
7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC.
8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing, and do not comply with the acute statistical power standard of 29 percent as defined in WAC 173-205-020, must be repeated on a fresh sample with an increased number of replicates to increase the power.

## **S9. CHRONIC TOXICITY**

### **A. Effluent Chronic WET Testing**

The Permittee shall conduct chronic toxicity testing on the final effluent. The two chronic toxicity tests listed below shall be conducted on each sample taken for effluent evaluation.

A summary report is due six months after the above chronic toxicity data.

Effluent testing for chronic toxicity shall be **twice in one year**. One test shall be conducted in the winter and one in the summer. The Permittee shall conduct chronic toxicity testing during effluent characterization on a series of at least five concentrations of effluent in order to determine appropriate point estimates. This series of dilutions shall include the ACEC. The Permittee shall compare the ACEC to the control using hypothesis testing at the 0.05 level of significance as described in Appendix H, EPA/600/4-89/001.

Chronic toxicity tests shall be conducted with the following two species and the most recent version of the following protocols:

Freshwater Chronic Toxicity Test Species		Method
Fathead minnow	<i>Pimephales promelas</i>	EPA/600/4-91/002
Water flea	<i>Ceriodaphnia dubia</i>	EPA/600/4-91/002

Compliance with the effluent limit for chronic toxicity means no statistically significant difference in response between the control and the test concentration representing the CCEC. The Permittee may be required to conduct more testing if any chronic toxicity test conducted for compliance monitoring determines a statistically significant difference in response between the control and the CCEC using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in response between the control and the CCEC is less than 20 percent, the hypothesis test shall be conducted at the 0.01 level of significance.

In order to establish whether the chronic toxicity limit is eligible for removal from future permits, the Permittee shall also conduct this same hypothesis test (Appendix H, EPA/600/4-89/001) to determine if a statistically significant difference in response exists between the ACEC and the control.

**B. Sampling and Reporting Requirements**

1. All reports for effluent chronic WET testing or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into Ecology's database, then the Permittee shall send the disk to Ecology along with the test report, bench sheets, and reference toxicant results.
2. Testing shall be conducted on 24-hour composite effluent samples. Composite samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. Grab samples must be shipped on ice to the lab immediately upon collection. If a grab sample is received at the testing lab within one hour after collection, it must have a temperature below 20°C at receipt. If a grab sample is received at the testing lab within 4 hours after collection, it must be below 12°C at receipt. All other samples must be below 8°C at receipt. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended. The lab shall store all samples at 4°C in the dark from receipt until completion of the test.
3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.

4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A and the Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by Ecology, testing shall be repeated with freshly collected effluent.
5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.
7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC and the CCEC.
8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing, and do not comply with the chronic statistical power standard of 39 percent as defined in WAC 173-205-020, must be repeated on a fresh sample with an increased number of replicates to increase the power.

#### **S10. OUTFALL EVALUATION**

The Permittee must inspect, at least once each permit cycle, the submerged portion of the outfall line and diffuser to document its integrity and continued function. By **November 15, 2011**, the Permittee must submit the inspection report to Ecology. The Permittee must inspect during seasonally low flow conditions. The report must include:

- The date and time of inspection, and who performed the inspection.
- A scale diagram(s) of the outfall area showing the river banks, river width, the outfall line, how far it extends into the river, and the details of the diffuser array (e.g. distance between diffusers).
- A description of each diffuser's orifice size, orientation, submergence depth, and height above the river bottom (may be included on the scale diagram or called out separately).
- A description of any damages to the outfall line and diffuser structures.
- Photographic or video footage of the inspection of the outfall line and diffusers if conditions allow.
- A graph of the flow velocity of the Columbia River at the outfall over the 24-hour period that encompasses the period when the inspection is being performed (show reverse flows as negative values).
- An estimation of the river flow (in cubic feet per second) on the day of inspection.

If the inspection finds repairs are required to restore the original functionality of the outfall diffuser, the Permittee shall accomplish such repairs at the earliest practicable date, and provide a supplemental report that describes the repairs performed and the date upon which they were accomplished. Repairs must be completed within six months after discovery of the damage, and the report describing the repairs must be submitted to Ecology within 30 days after completing the repairs.



## **GENERAL CONDITIONS**

### **G1. SIGNATORY REQUIREMENTS**

All applications, reports, or information submitted to Ecology shall be signed and certified.

- A. All permit applications shall be signed by either a principal executive officer or a ranking elected official.
- B. All reports required by this permit and other information requested by Ecology shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 1. The authorization is made in writing by a person described above and submitted to Ecology.
  - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

### **G2. RIGHT OF INSPECTION AND ENTRY**

The Permittee shall allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.

- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

### **G3. PERMIT ACTIONS**

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon Ecology's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
  - 1. Violation of any permit term or condition.
  - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
  - 3. A material change in quantity or type of waste disposal.
  - 4. A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR Part 122.64(3)].
  - 5. A change in any condition that requires either a temporary or permanent reduction, or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR Part 122.64(4)].
  - 6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
  - 7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.
- B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:
  - 1. A material change in the condition of the waters of the state.
  - 2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
  - 3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.

4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR Part 122.62.
6. Ecology has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
7. Incorporation of an approved local pretreatment program into a municipality's permit.

C. The following are causes for modification or alternatively revocation and reissuance:

1. Cause exists for termination for reasons listed in A1 through A7 of this section, and Ecology determines that modification or revocation and reissuance is appropriate.
2. Ecology has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

#### **G4. REPORTING PLANNED CHANGES**

The Permittee shall, as soon as possible, but no later than 60 days prior to the proposed changes, give notice to Ecology of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation of the terms and conditions of this permit.

#### **G5. PLAN REVIEW REQUIRED**

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to Ecology for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least 180 days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

#### **G6. COMPLIANCE WITH OTHER LAWS AND STATUTES**

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

**G7. DUTY TO REAPPLY**

The Permittee shall apply for permit renewal by \_\_\_\_\_.

**G8. TRANSFER OF THIS PERMIT**

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to Ecology.

**A. Transfers by Modification**

Except as provided in paragraph (B) below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

**B. Automatic Transfers**

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies Ecology at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittees containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. Ecology does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under this subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

**G9. REDUCED PRODUCTION FOR COMPLIANCE**

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

**G10. REMOVED SUBSTANCES**

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

**G11. DUTY TO PROVIDE INFORMATION**

The Permittee shall submit to Ecology, within a reasonable time, all information which Ecology may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to Ecology upon request, copies of records required to be kept by this permit.

**G12. OTHER REQUIREMENTS OF 40 CFR**

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

**G13. ADDITIONAL MONITORING**

Ecology may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

**G14. PAYMENT OF FEES**

The Permittee shall submit payment of fees associated with this permit as assessed by Ecology.

**G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS**

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to \$10,000 and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to \$10,000 for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

**G16. UPSET**

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in Condition S3.E; and 4) the Permittee complied with any remedial measures required under S4.C of this permit.

In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

**G17. PROPERTY RIGHTS**

This permit does not convey any property rights of any sort, or any exclusive privilege.

**G18. DUTY TO COMPLY**

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

**G19. TOXIC POLLUTANTS**

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

**G20. PENALTIES FOR TAMPERING**

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or by both.

**G21. REPORTING ANTICIPATED NON-COMPLIANCE**

The Permittee shall give advance notice to Ecology by submission of a new application or supplement thereto at least 180 days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during noncritical water quality periods and carried out in a manner approved by Ecology.

**G22. REPORTING OTHER INFORMATION**

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to Ecology, it shall promptly submit such facts or information.

**G23. COMPLIANCE SCHEDULES**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.